

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**Serial No.** 10/549,831

**Filed:** November 30, 2006

**Applicants:** Kavallaris, Maria;  
Verrills, Nicole M.

**Title:** DETERMINING DRUG RESISTANCE

**Group Art Unit:** 1645

**Examiner:** Not  
Assigned

**Confirmation No.** 2175

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**REQUEST FOR CORRECTION OF FILING RECEIPT**

Dear Sirs:

An omission was noted on the official FILING RECEIPT mailed on February 5, 2007 for the above-identified application whereas only the first inventor was named, Maria Kavallaris, omitting the second inventor, namely, Nicole M. Verrills (a copy of which is attached hereto).

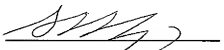
On November 30, 2006, Applicants filed a Petition to Correct Inventorship to add Nicole M. Verrills (a copy of which is attached hereto).

Applicants respectfully request that an Updated FILING RECEIPT be issued to acknowledge the filing of the second inventor, namely Nicole M. Verrills.

Applicants respectfully request that the Updated FILING RECEIPT be mailed to the address set forth below.

Respectfully submitted,

Dated: February 16, 2007

  
Seth D. Levy, Reg. No. 44,869

DAVIS WRIGHT TREMAINE LLP  
865 South Figueroa Street, Suite 2400  
Los Angeles, California 90017-2566  
Telephone: (213) 633-6800  
Facsimile: (213) 633-6899

COPY



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

| APPL NO.   | FILING OR 371<br>(c) DATE | ART UNIT | FIL FEE REC'D | ATTY DOCKET NO | DRAWINGS | TOT CLMS | IND CLMS |
|------------|---------------------------|----------|---------------|----------------|----------|----------|----------|
| 10/549,831 | 11/30/2006                | 1645     | 815           | CCIA-2         |          | 7        | 6        |

CONFIRMATION NO. 2175

## FILING RECEIPT



\*OC00000022324986\*

50670  
 DAVIS WRIGHT TREMAINE LLP  
 865 FIGUEROA STREET  
 SUITE 2400  
 LOS ANGELES, CA 90017-2566

Date Mailed: 02/05/2007

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

Maria Kavallaris, Randwick, AUSTRALIA;

## Assignment For Published Patent Application

Children's Cancer Institute Australia for Medical Research, Randwick, AUSTRALIA

Power of Attorney: The patent practitioners associated with Customer Number **50670**.

## Domestic Priority data as claimed by applicant

This application is a 371 of PCT/AU04/00331 03/18/2004

RECEIVED

Davis Wright Tremaine LLP

## Foreign Applications

AUSTRALIA 2003901239 03/18/2003

FEB 08 2007  
 CL# 69544 MT# 2  
 ATTY(S) CCIA  
 DUE: \_\_\_\_\_

If Required, Foreign Filing License Granted: 02/02/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US10/549,831**

Projected Publication Date: 05/17/2007

Non-Publication Request: No

DOCKETED Feb 8/07

Early Publication Request: No

**\*\* SMALL ENTITY \*\***

Title

Determining drug resistance

Preliminary Class

530

## PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

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### LICENSE FOR FOREIGN FILING UNDER Title 35, United States Code, Section 184 Title 37, Code of Federal Regulations, 5.11 & 5.15

#### GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The

date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

#### **NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

COPY

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No.  
10/549,831

Filing Date:  
September 16, 2005

Applicants:  
Maria Kavallaris et al.

Title: DETERMINING DRUG RESISTANCE

Attorney Docket No. 69544-2

Confirmation No. 2175

Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

PETITION TO CORRECT INVENTORSHIP IN PATENT APPLICATION  
(UNDER 37 C.F.R. § 1.48(a)(1))

1. This petition is to correct the incorrect original naming of inventor(s) in the above-identified application under 37 C.F.R. § 1.48(a) as set forth and filed on September 16, 2005
2. Addition and/or Deletion of Inventor(s)

*(check and complete all applicable items)*

☒ Add the following previously unnamed person(s) as inventor(s) of this application:  
Nicole M. Verrills

☐ Delete the following previously incorrectly named inventor(s) \_\_\_\_\_

3. Attachments

Attached is

(a) A statement from:

*(check items below that apply)*

☒ each person being added as an inventor that the error in inventorship occurred without deceptive intent on his or her part. 37 C.F.R. § 1.48(a)(1).

☐ each person being deleted as an inventor that the error in inventorship occurred without deceptive intention on his or her part. 37 C.F.R. § 1.48(a)(2).

(b) a declaration by each of the actual inventor(s) as required by 37 C.F.R. § 1.63 (or as permitted by §§ 1.42, 1.43, OR 1.47). 37 C.F.R. § 1.48(a)(2).

(c) written consent by the assignee *(if any of the original inventors executed an assignment)* 37 C.F.R. § 1.48(a)(4).

(d)


*(check the following item, if all the inventor(s) remaining after this petition and amendment is accepted are not the inventor(s) of the subject matter of all the claim(s) now being claimed.)*

☐ Attached is an explanation of the facts, including the ownership of all the claim(s) being claimed in this application, including ownership of all the claim(s) at the time the last claimed invention was made (Declaration of Inventorship and Common Ownership of Claims in Application).

4. Fee Payment (37 C.F.R. § 1.17(i))

The fee required is paid as follows:

☐ Enclosed is a check for \$130.00  
☐ Charge Account \_\_\_\_\_ for any fee deficiency.  
☒ Charge Account 04-0258 the sum of \$130.00

  
\_\_\_\_\_  
SIGNATURE OF PRACTITIONER

SETH D. LEVY

*(type or print name of practitioner)*

DAVIS WRIGHT TREMAINE LLP  
865 S. Figueroa Street, Suite 2400  
Los Angeles, California 90017-2566

\_\_\_\_\_  
P.O. Address

Reg. No.: 44,869

Tel. No.: (213) 633-6800  
Fax No.: (213) 633-6899

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Practitioner's Docket No.

69544-2

**PATENT**

**Serial No.** 10/549,831

**Filing Date:** September 16, 2005

**Title:** DETERMINING DRUG RESISTANCE

**Applicants:** Maria Kavallaris et al.

Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Statement Of Non-Deceptive Intent By Person Being Added  
By Petition To Change Inventorship In Patent Application  
(37 C.F.R. 1.48(a))**

I, the person who is being added as an inventor by the petition being submitted to correct the inventorship of this patent application, do hereby declare that the inventorship error in failing to include my name as an inventor on this patent application occurred without any deceptive intention on my part.

**Nicole M. Verrills**

*Type name of inventor being added*



*Signature*

**DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION USING AN  
APPLICATION DATA SHEET (37 CFR 1.76)**

Title of  
Invention

**DETERMINING DRUG RESISTANCE**

As the below named inventor(s), I/we declare that:

This declaration is directed to:

- ☐ The attached application, or
- ☒ Application No. 10/549,831 filed on September 16, 2005
- ☐ As amended on \_\_\_\_\_ (if applicable);

I/we believe that I/we am/are the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought;

I/we have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment specifically referred to above;

I/we acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me/us to be material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT International filing date of the continuation-in-part application.

**WARNING:**

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

All statements made herein of my/own knowledge are true, all statements made herein on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing thereon.

**FULL NAME OF INVENTOR(S)**

Inventor one: MARIA KAVALLARIS

Signature:  Citizen of: AUSTRALIA

Inventor two: NICOLE M. VERRILLS

Signature:  Citizen of: AUSTRALIA

☐ Additional inventors or a legal representative are being named on \_\_\_\_\_ additional form(s) attached hereto.

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 minute to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Practitioner's Docket No.

69544-2

PATENT

In re application of: Maria Kavallaris et al.

Serial No.: 10/549,831

Filed: September 16, 2005

For: DETERMINING DRUG RESISTANCE

Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

ASSENT OF ASSIGNEE TO CORRECTION  
AND/OR ADDITION OF INVENTOR(S)

Children's Cancer Institute Australia for Medical Research

*(type or print name of assignee)*

High Street, Randwick, New South Wales 2031, Australia

*Address*

Assignment

☒

recorded on November 27, 2006

☐

Reel 018551

☐

Frame 0676

☐

recorded herewith

☐

a separate  
attached

☐

"ASSIGNMENT" (DOCUMENT) COVER SHEET is

or

☒

FORM PTO 1595 is attached.

Assignee hereby assents to the correction of inventorship filed

☒


herewith.

☐

on

**ASSIGNEE CERTIFICATION**

A "STATEMENT UNDER 37 C.F.R. § 3.73(b)" is attached.

  
A handwritten signature in dark ink, appearing to read "M. Norris", is written over a horizontal line.

Signature

PROF. MURRAY NORRIS

(type or print name and title of person authorized to sign on behalf of assignee)

**STATEMENT UNDER 37 CFR 3.73(b)**

Applicant/Patent Owner: MARIA KAVALLARIS ET AL.

Application No./Patent No./Control No. 10/549,831

Filed/Issue Date September 16, 2005

Entitled: DETERMINING DRUG RESISTANCE

**CHILDREN'S CANCER INSTITUTE AUSTRALIA  
FOR MEDICAL RESEARCH**

(Name of Assignee)

, an Independent medical research institute

(Type of Assignee: corporation, partnership, university, government agency, etc.)

States that it is:

1. ☒ the assignee of the entire right, title, and interest; or  
2. ☐ an assignee of less than the entire right, title and interest  
(The extent (by percentage) of its ownership interest is \_\_\_\_\_ %)

In the patent application/patent identified above by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel 018551, frame 0676, or a true copy of the original assignment is attached.

OR

- B. ☐ A chain of title from the inventor(s) of the patent application/patent identified above, to the current assignee as follows:

1. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
2. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
3. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

- ☐ Additional documents in the chain of title are listed on a supplemental sheet.

As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

  
Signature

PROF. MURRAY NORRIS  
Printed or Typed Name

DEPUTY DIRECTOR  
Title

17/11/06  
Date

61 (02) 9382 1829  
Telephone Number